IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2746 OF 2005

Kabir Mulchandani ..Petitioner

Vs.

The State of Maharashtra
& Ors. ..Respondents

....

Mr.Shubhangi P.Chavan i/b
A.M.Saraogi Advocate for Petitioners
Mr.D.S.Mhaispurkar A.P.P. for the State

....

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : AUGUST 14,2006

P.C.

1. Heard the learned advocate for the Petitioner. None appears for the Respondent Nos.2 & 3 though served.

2. The Petitioner is facing prosecution in Case No.1196/SS/2005 which is pending before the Small Causes Court at Mumbai. The said case is under

Section 138 of Negotiable Instruments Act.

3. The Petitioner is seeking quashing of the non-bailable warrant issued against the Petitioner as well as for exemption from personal appearance. The learned advocate for the petitioner states that Petitioner will be represented by an Advocate at all times before the trial Court. In view of the statement and the other facts and circumstances of this case, non-bailable warrant issued against the Petitioner is set aside. The learned Magistrate shall not insist on the presence of the petitioner unless his presence is absolutely necessary. In such a case, on notice being given to the Petitioner, the petitioner shall remain present before the trial Court on the date indicated by the trial Court.

4. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]